



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

FUYI SUN,

Defendant.

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FACTUAL ALLEGATIONS  
IN SUPPORT OF JUDICIAL REMOVAL

Criminal Docket No. 16-CRM-404 (AKH)

NOTICE IS HEREBY GIVEN TO FUYI SUN ("the defendant") and to his attorney of record herein, Amy Gallicchio, Esq., that the United States of America alleges the following facts in support of the Notice of Intent to Request Judicial Removal:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native and a citizen of the People's Republic of China.
3. The defendant was paroled into the United States at John F. Kennedy International Airport, on or about April 11, 2016.
4. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, of the offense of attempting to export and cause to be exported from the United States to China Toray type M60JB-3000-50B carbon fiber, without having first obtained the required licenses from the United States Department of Commerce, in violation of 50 U.S.C. §§ 1702 and 1705.

5. A maximum term of imprisonment of 20 years' imprisonment, a maximum term of supervised release of three years, a maximum fine of \$1,000,000 and a mandatory \$100 special assessment may be imposed for a violation of this offense.

6. The defendant is, and at time of sentencing will be, subject to removal from the United States pursuant to: Section 212(a)(7)(B)(i)(II) of the Immigration and Nationality Act of 1952, as amended ("INA"), 8 U.S.C. § 1182(a)(7)(B)(i)(II), as a nonimmigrant who is not in possession of a valid nonimmigrant visa or border crossing identification card at the time of application for admission, is inadmissible.

WHEREFORE, pursuant to section 238(c) of the INA, 8 U.S.C. § 1228(c), the United States requests that the Court, at the time of sentencing, order that the defendant be removed from the United States to the People's Republic of China promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing.

Dated: New York, New York  
August 30, 2017

JOON H. KIM  
Acting United States Attorney  
Southern District of New York

By:



Patrick Egan  
Assistant United States Attorney